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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ADELBERTO LIZAOLA FAUSTO,

Defendant and Appellant.

H034987

(Santa Clara County

Super. Ct. No. 200501)

Adelberto Lizaola Fausto appeals from an order extending his commitment as a mentally disordered offender. (Pen. Code, § 2972.) A petition dated July 28, 2009, requested that the trial court extend appellant's term as a mentally disordered offender based on an affidavit from Napa State Hospital where appellant resides. The petition alleged that appellant had been committed after he violated Penal Code section 245, subdivision (a)(1). The petition further alleged that appellant suffers from a severe mental disorder which is not in remission and cannot be kept in remission without continued treatment, and by reason of his mental illness, appellant represents a substantial danger of physical harm to others. After a court trial, the trial court found the allegations in the petition to be true and extended appellant's term for an additional year. This timely appeal ensued.

On appeal, we appointed counsel to represent appellant in this court. Appointed counsel has filed an opening brief which states the case and the facts but raises no

specific issues. (*Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 543-544 (*Ben C.*); *People v. Taylor* (2008) 160 Cal.App.4th 304.) In the opening brief, counsel requests that we conduct an independent review such as the ones required by *Anders v. California* (1967) 386 U.S. 738, and *People v. Wende* (1979) 25 Cal.3d 436. We decline to do so because that review process does not apply to civil mentally disturbed offender commitments. (*Ben C.*, *supra*, 40 Cal.4th at pp. 543-544); *People v. Taylor*, *supra*, 160 Cal.App.4th 304.) Counsel also asks us to allow appellant the opportunity to submit a brief in propria persona on his own behalf pursuant to *Ben C.* On March 24, 2010, we notified appellant of his right to submit written argument in his own behalf within 30 days. Thirty days have elapsed and we have received nothing from appellant.

The Attorney General, by letter dated April 7, 2010, asks that we dismiss the appeal as abandoned. The appellant having failed to raise any issue on appeal, we have no alternative but to dismiss the appeal as abandoned. (*Ben C.*, *supra*, 40 Cal.4th 529.)

DISPOSITION

The appeal is dismissed as abandoned.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.